

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAVID M. TRAVERS,

Plaintiff,

v.

J. MACOMBER, et al.,

Defendants.

Case No. 1:25-cv-0033 JLT SAB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO STATE A
COGNIZABLE CLAIM FOR RELIEF**

(Doc. 11)

David Travers seeks to hold the defendants liable for violations of his civil rights and Proposition 57 while housed at the Substance Abuse Treatment Facility in Corcoran. (*See generally* Doc. 1.) The magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim. (Doc. 11 at 3-7.) In addition, the magistrate judge determined leave to amend would be futile "[b]ecause Plaintiff cannot state a claim as a matter of law." (*Id.* at 7.) Therefore, the magistrate judge recommended the Court dismiss the action "for failure to state a claim upon which relief may be granted." (*Id.*)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 30 days. (Doc. 11 at 7.) The Court advised Plaintiff that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.* at 8, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014).) Despite receiving an extension of time, Plaintiff did not file objections, and the time to do so has passed.

1 According to 28 U.S.C. § 636(b)(1), the Court performed a *de novo* review of the action.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
3 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on January 17, 2025 (Doc. 11) are
5 **ADOPTED** in full.
- 6 2. Plaintiff's complaint is **DISMISSED** with prejudice for failure to state a claim.
- 7 3. The Clerk of Court is directed to close this case.

8
9 IT IS SO ORDERED.

10 Dated: **March 17, 2025**


UNITED STATES DISTRICT JUDGE